

S.B. Cr. II Bail Application No. 4475/2007

(Shrawan Kumar @ Tennia Vs. State of Rajasthan)

Date of order : 17.09.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. H.S.Sandhu for the petitioner.

Mr. Ashok Upadhyay, P.P.

This is second bail application. After rejecting the earlier bail application, I do not find any change in the circumstances. However, learned counsel for the petitioner submits that the petitioner is a juvenile and the petitioner moved an application before the Additional Sessions Judge (Fast Track) No.1, Hanumangarh under Section 49 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'the Act of 2000) for determination of the age of the petitioner so that the petitioner can be tried as a juvenile and that application has not yet been decided.

When a person, who claims himself to be a juvenile, makes an application, it is expected from the concerned Court to determine his age utmost expeditiously so that a conclusion can be arrived at as to whether the person claiming himself to be a juvenile in real sense is juvenile under the Act of 2000 or not.

In this view of the matter, the bail application filed by the petitioner under Section 439 Cr.P.C. is dismissed. The Additional Sessions Judge (Fast Track) No.1, Hanumangarh is directed to decide the application filed by the petitioner under Section 49 of the Act of 2000 and determine his age utmost expeditiously.

(H.R.PANWAR), J.